

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

NAOMI COLEMAN-REED,

Plaintiff,

v.

Civil Action No.: 2:15-cv-13687
(Lead action)

OCWEN LOAN SERVICING LLC
and WELLS FARGO BANK, N.A.,

Defendants.

NAOMI COLEMAN-REED,

Plaintiff,

v.

Civil Action No.: 2:15-cv-13708
(Consolidated)

OCWEN LOAN SERVICING LLC
and WELLS FARGO BANK, N.A.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the parties' joint motion to consolidate,
filed October 13, 2015.

This case presents the unusual situation of two defendants separately removing the same case, on the same day, with each representing to the court that the other consented to its own removal. In the joint motion to consolidate, filed October 13, 2015, defendants give no explanation for having done

so. They simply state that "Whereas the actions not only involve common questions of law or fact, but are the same action as filed in state court, consolidation is appropriate" Joint Mot. to Consolidate Cases ¶ 4.

Federal Rule of Civil Procedure 42 empowers the district courts to consolidate actions that "involve common questions of law or fact." Fed. R. Civ. P. 42(a). The rule reads, in pertinent part:

(a) Consolidation. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

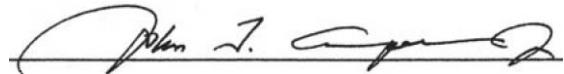
Fed. R. Civ. P. 42. "District courts have broad discretion under F. R. Civ. P. 42(a) to consolidate causes pending in the same district." A/S J. Ludwig Mowinckles Rederi v. Tidewater Const. Co., 559 F.2d 928, 933 (4th Cir. 1977).

Inasmuch as these two actions are one and the same, the court, accordingly, ORDERS the above-styled civil actions be, and they hereby are, consolidated. Case number 2:15-cv-

13687 is designated as the lead case. All further filings shall be captioned and docketed in that case.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

ENTER: January 11, 2016



John T. Copenhaver, Jr.
United States District Judge